

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
Carol Elizabeth Render) CASE NO. 18-51172-PMB
)
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
2. The Debtor has failed to file an Employment Deduction Order.
3. The Debtor has failed to provide the Trustee with a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
4. Pursuant to information received from the Internal Revenue Service, 2017 tax return has not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).
5. Pursuant to testimony from the Meeting of Creditors, it appears that the Chapter 13 petition no longer references the current mailing address of the Debtor. The address should be 60 Belmont Park Drive, Newnan, GA 30263.
6. Due to a change in circumstances since filing, Schedules I and J do not correctly reflect the current financial situation, preventing the Trustee from evaluating feasibility. 11 U.S.C. Section 1325(a)(6). Debtor has been evicted from the apartment at Hidden Lake. Debtor lives with his sister and is not paying rent.
7. The Chapter 13 Plan fails to provide for the surrender of an apartment to Hidden Lake in violation of 11 U.S.C. Section 1325(a)(5)(C).

Melissa J. Davey, Chapter 13 Trustee
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Atlanta, Georgia 30303
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8. The Trustee objects to the proposed Chapter 13 composition Plan, which fails to provide for payment of Debtor's federal income tax refunds for the years 2017, 2018, and 2019 to creditors during the applicable commitment period, in possible violation of 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

9. The Chapter 13 Trustee is unable to administer the provisions in the Plan regarding attorneys' fees should the case be converted or dismissed.

10. The Chapter 13 plan proposes to pay \$4,675.00 to the Debtor's Attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and would request that Debtor's counsel appear at confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

11. The 2016(b) Disclosure Statement and the Chapter 13 Plan are inconsistent with regard to attorney's fees in violation of 11 U.S.C. Section 329, Bankruptcy Rules 2016(b) and General Orders 18-2015 and/or 22-2017.

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.


/s/ Melissa J. Davey

Melissa J. Davey
Chapter 13 Trustee
GA Bar No. 206310

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CERTIFICATE OF SERVICE

This is to certify that I have this day served:

DEBTOR(S):

CAROL ELIZABETH RENDER
4050 MORGAN ROAD
APT 133
UNION CITY, GA 30263

CAROL ELIZABETH RENDER
60 BELMONT PARK DRIVE
NEWNAN, GA 30263

DEBTOR(S) ATTORNEY:

SLIPAKOFF & SLOMKA, PC
OVERLOOK III, SUITE 1700
2859 PACES FERRY RD, SE
ATLANTA, GA 30339

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Wednesday, March 14, 2018

/s/


Melissa J. Davy
GA Bar No. 206310
Chapter 13 Trustee
260 Peachtree Street, N.W., Suite 200
Atlanta, Georgia 30303
Telephone: 678-510-1444
Facsimile: 678-510-1450